

REMARKS

Claims 1,2,5-8, and 10-13 stand rejected. Claims 1-14 remain pending.

The Examiner's action of July 28, 2005 indicates Claims 3,4,9, and 14 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 1-5, 10-11, and 14 are amended. Claim 1 is amended to incorporate the limitations of Claims 2 and 3. Claim 10 is amended to recite a deformable tissue stop disposed inwardly of the side opening, such as is recited in Claim 3. Claim 11 is amended to recite the limitation of Claim 14.

Additionally, Claim 2 is amended to recite the overtube is rotatable with respect to an endoscope received therein. Claim 3 and Claim 14 are amended to recite at least a portion of the overtube associated with the side opening has a non circular cross (see e.g. Figure 19). Various claims are amended to revise claim dependency in view of the amendments.

Support for the amendments is found in the specification and drawings as filed. No new matter is added.

The Claims are amended in order to put the application in condition for allowance, and without prejudice to applicants filing one or more continuation applications directed to additional claims, including without limitation claims as originally filed.

The Examiner is requested to consider and make of record the information disclosure statement transmitted with this response.

The Examiner is respectfully requested to reconsider and allow the Claims, as amended.
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END5209USANP/GSG.

Respectfully submitted,

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